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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,052	08/29/2003	Tomio Nishihara	32-001	8996

23400 7590 02/08/2006

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

ALIE, GHASSEM

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/651,052

Applicant(s)

NISHIHARA, TOMIO

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/29/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Glesser (2004/0045170). Regarding claim 1-6 and 9, Glesser teaches all the limitations set forth in claims 1-6 and 9 including, inter alia, a handle 4, a blade 6, a cam surface formed on the peripheral edge of the tang 16, a lock plate 26, and an urging member 34. Glesser also teaches that the lock plate has a substantially disk shape and also a peripheral edge which opposed the cam surface of the tang. It should be noted that the lock plate 26 as shown in Fig. 8, has a shape of a disk. Glesser also teaches that the peripheral edge of the lock plate 26 has an arcuate lock surface which engages with the engage portion 28, wherein the engage portion has an inverted arcuate shape that substantially matches the arcuate profile of the lock surface. Glesser also teaches the lock portion engages with the engage portion when the lock plate is rotated to the lock position which the blade being located at the open extended position. Glesser also teaches that the arc of the lock surface has a center deviated from the axis of the lock plate. It should be noted that the arc portion of the lock plate 26 is defined by the front peripheral of the lock plate which also has portions deviated from the axis of the lock plate. For example, the bottom protrusion of the arc portion is deviated from the axis of the lock plate as shown in Fig. 8 in Glesser. Regarding claim 6, Glesser also teaches that the

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arc of the lock surface deviated from the axis of the lock plate so that when the lock plate rotates from the unlock position with the blade being located at the open extended position, the lock surface approaches the engage portion gradually to engage with the engage portion. The peripheral front surface of the lock plate including the protrusion portion, which defines an arc portion, inherently provides a gradual engagement with the engage surface 28 of the tang 16.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-8, 10, 12-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glesser. The use of a flat release surface rather than a slightly curved one would appear to solve no stated problem and would be an obvious matter to be determined by an artisan. Regarding claim 13 the exact type of spring and its mounting would, absent a showing of criticality, appear to be obvious to an artisan.

5. Claim 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glesser in view of Vallotton (6,079,106). Regarding claims 11 and 17, Glesser teaches everything noted above except that the handle has a stopper which engages with the blade located at the open extended position to prevent the blade from rotating over the open extended position. However, the use of such a stopper is old and well known in the art such as taught by Vallotton. Vallotton teaches a folding knife including a handle having a stopper

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which engages with a stop portion 37 of a blade 26 located at the open extended position to prevent the blade from rotating over the open extended position. See Figs. 1-3 in Vallotton. It should be noted that the tapered surface of the handle is defined as a stopper. It would have been obvious to a person of ordinary skill in the art to provide Glesser's folding knife with a stopper of the handle and a stop member of the blade, as taught by Vallotton, in order to limit the travel of the blade when the blade is extended in a open position.

Response to Amendment

6. Applicant's arguments filed on 11/15/05 have been fully considered but they are not persuasive.

Applicant's argument that Glesser does not teach that the arc portion of the lock surface has a center deviated from the axis of the lock plate is not persuasive.

Glesser also teaches that the peripheral edge of the lock plate 26 has an arcuate lock surface which engages with the engage portion 28, wherein the engage portion has an inverted arcuate shape that substantially matches the arcuate profile of the lock surface. Glesser also teaches the lock portion engages with the engage portion when the lock plate is rotated to the lock position which the blade being located at the open extended position. Glesser also teaches that the arc of the lock surface has a center deviated from the axis of the lock plate. It should be noted that the arc portion of the lock plate 26 is defined by the front peripheral of the lock plate which also has portions deviated from the axis of the lock plate. For example, the bottom protrusion of the arc portion is deviated from the axis of the lock plate as shown in Fig. 8 in Glesser.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Onion (2001/0032391) teaches a folding knife having a handle and a stopper.

McHenry (6,122,829) teaches a folding knife having a locking mechanism that includes an arcuate portion and a flat portion.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

February 3, 2006



Allan N. Shoap
Supervisory Patent Examiner
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